

REMARKS

The Official Action objects to claim 75, which has been amended as to form. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 54-55 were rejected under 35 U.S.C. 101 and have been amended. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-9, 41-42, 44-48, 54, and 56-81 were rejected as anticipated by KALL 7,076,257; and claims 10-37, 43, 49-53, and 55 were rejected as unpatentable over KALL. The claims have been amended and reconsideration and withdrawal of the rejections are respectfully requested.

Amended claims 1-9, 19-41, 43-48, 54, and 56-81 provide that the request accuracy information specifies a requested accuracy and the request accuracy request class information that designates a class of treatment when the requested accuracy is not available, in which a first class of treatment specifies that an error is to be sent and a second class of treatment specifies that best available position information is to be sent. Amended claims 10-40, 42-43, 49-53, and 55 similarly provide that the request freshness information specifies a requested freshness and the request freshness request class information that designates a class of treatment when the requested freshness is not available, in which a first (or third) class of treatment specifies that an error is to be sent and a second (or fourth) class of treatment

specifies that best available position information is to be sent (support is found, for example, at page 4, first three paragraphs).

KALL does not disclose that the request class/level designates a class/level of treatment when the requested accuracy/freshness is not available, and specifically where first class/level of treatment specifies that an error is to be sent and a second class/level of treatment specifies that best available position information is to be sent.

By contrast, KALL disclose classes that represent an accuracy of the positional information; for example class A is a first distance and class B is a second distance (column 7, lines 4-47). They do not describe that a designation of treatment can be made when the requested accuracy or freshness is not available.

Accordingly, the amended claims avoid the rejections under §102 and §103.

Claims 38-40 were rejected as unpatentable over KALL in view of YAMAMOTO et al. 2002/0138650. YAMAMOTO et al. do not make up for the shortcomings of KALL noted above and reconsideration and withdrawal of the rejection are respectfully requested.

New claim 82 has been added and is allowable because the references do not disclose a node device that generates a

response based on the request accuracy information and the request accuracy request class information, as explained above.

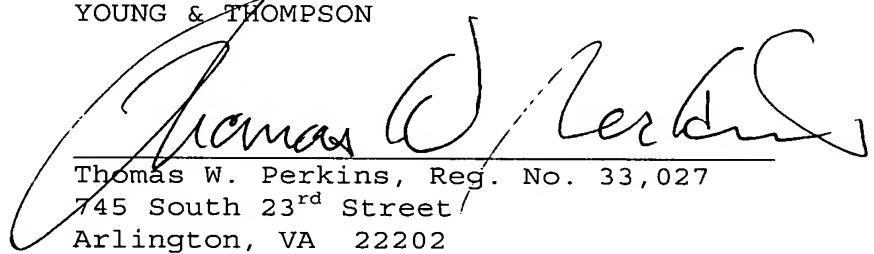
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the fee of \$210 for one extra independent claim added herewith to our credit card set forth in the attached Credit Card Payment Form.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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TWP/lrs